IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1974 (SS) OF 2005

Dinesh Mohan Uniyal,
S/o Nathi Lal Uniyal,
Naib Tehsildar, Tehri,
Presently officiating as
Tehsildar Tehsil-Jakhnidhaar,
District – Tehri. .....Petitioner.

Versus

1. State of Uttaranchal, through Chief Revenue Commissioner.
2. Commissioner, Garhwal Region, Pauri.
3. District Magistrate, Tehri Garhwal.

.....Respondents.

Sri Shobhit Saharia, Advocate for the petitioner.
Learned Standing Counsel for the State.

Dated: 27.02.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of a writ of mandamus commanding the respondents to consider the regularization of petitioner on the post of Tehsildar. The petitioner has further prayed for a writ of mandamus commanding the respondents not to interfere with the working of the petitioner as Tehsildar.

2. Brief facts giving rise to the present writ petition are that the petitioner was initially appointed as Patwari on 28.09.1980 and thereafter, he was promoted to the post of Assistant Registrar Kanungo on 28.12.1986.

3. On 14.01.1990, the petitioner was promoted to the post of Registrar Kanungo, on which post, he continued to work till 30.10.2001 and thereafter w.e.f. 31.10.2001, the petitioner was promoted to the post of Nayab Tehsildar on ad hoc basis and is

still continuing. He was given artificial break of one day after every 89 days.

4. The petitioner has confined his prayer only to the extent of the writ of Mandamus commanding the respondents not to interfere into the service of the petitioner as Tehsildar till the regularly selected candidate joins.

5. In paragraph 12 of the writ petition. it has been mentioned that the petitioner was officiating as Tehsildar on 12.08.2004, thereafter, he was promoted to the post of Tehsildar till the regularly selected candidate joins.

6. Further on 23.11.2005, the petitioner was given the joining for 89 days. Apprehension of the petitioner is that immediately after the completion of 89 days, he will be reverted back.

7. At the time of admission on 22.12.2005, following interim order was passed:-

"Heard Sri Shobhit Saharia, learned counsel for the petitioner and Sri Paresh Tripathi, learned Standing Counsel for the respondents.

Admit.

Issue Notice.

Learned Standing Counsel prays for and is granted three weeks time to file the counter affidavit. Rejoinder affidavit, if any, may be filed in three weeks thereafter.

In the meantime, if the selection has already been made, the respondents are directed not to give any artificial break in their Services."

8. Learned standing counsel has been given time to file counter affidavit, but till date no counter affidavit has been filed.

9. However, writ petition is disposed of with the direction that in case the petitioner is already working, he shall continue

on the said post, till the regularly selected candidate joins as Tehsildar Jhaknidar in District Pauri Garhwal.

No order as to costs.

(Rajesh Tandon, J.)

27.02.2006
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